



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0884/2

GMM.....

g Lbjk

DOA:.....Stinebrink, BB0230 - Graduated foster care licensing system ✓

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

IN 12/10

D-note

SIA ✓
X-ref ✓

Inserts

out of order

do not gen.

1

AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, any person who receives four or fewer children or, under certain circumstances, more than four children to provide care and maintenance for those children must obtain a license to operate a foster home and any person who receives four or fewer children to provide care and maintenance and structured, professional treatment for those children must obtain a license to operate a treatment foster home. A foster parent is reimbursed for basic maintenance according to age-related rates specified in the statutes and may receive supplemental payments for special needs, exceptional circumstances, and initial clothing allowances according to rates promulgated by DCF by rule. In addition, a treatment foster parent receives supplemental payments for providing treatment foster care. A relative who provides care and maintenance for a child is not required to obtain a foster home or treatment foster home license, but may, if he or she meets certain conditions, receive kinship care payments of \$215 per month or, if he or she has been appointed guardian of the child, long-term kinship care payments in that amount. ✓

This bill eliminates kinship care and long-term kinship care payments and treatment foster homes as a separate licensing category effective on January 1, 2010. ✓
Instead, the bill requires DCF to promulgate rules regulating foster care as follows:

1. Rules providing levels of care that a foster home is licensed to provide. Those levels of care must be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that DCF may promulgate by rule.

2. Rules establishing a standardized assessment tool to assess the needs of a child placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

3. Rules providing monthly rates of reimbursement for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates must include rates for basic maintenance and supplemental rates for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home.

4. Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

A person who is licensed to operate a treatment foster home or who is receiving kinship or long-term kinship care payments on ~~June 30, 2010~~ ^{January 31, 2009}, is considered to be licensed to operate a foster home beginning on ~~July 1, 2010~~ ^{December 31, 2009}, and must be reimbursed for foster care at the appropriate rate determined under the rules promulgated by DCF under the bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.410 (3) (ho) of the statutes is amended to read:

20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, ~~treatment foster care~~, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation

1 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
2 ~~treatment foster care~~, group home care, and institutional child care costs by 2% or
3 more, all moneys in excess of 2% shall be remitted to the counties during the
4 subsequent calendar year or transferred to the appropriation account under par. (kx)
5 during the subsequent fiscal year. Each county and the department shall receive a
6 proportionate share of the remittance and transfer depending on the total number
7 of days of placement in foster care, ~~treatment foster care~~, group home care, or
8 institutional child care. Counties shall use the funds for purposes specified in s.
9 301.26. The department shall deposit in the general fund the amounts transferred
10 under this paragraph to the appropriation account under par. (kx). ✓

History: 1989 a. 31 ss. 340, 361 to 380, 382 to 392; 1989 a. 107, 122, 359; 1991 a. 39; 1993 a. 16, 98, 377, 437, 490; 1995 a. 27, 77, 416, 440; 1997 a. 4, 27, 35, 237, 252, 275, 283, 284; 1999 a. 9, 89; 2001 a. 16; 2003 a. 33; 2005 a. 25 ss. 287 to 295m, 414t, 415wr; 2005 a. 234 s. 4; 2005 a. 344, 433; 2007 a. 20, 97.

11 **SECTION 2.** 20.437 (1) (b) of the statutes is amended to read:

12 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
13 for services for children and families under s. 48.563, for reimbursement to counties
14 having a population of less than 500,000 for the cost of court attached intake services
15 under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care,
16 ~~treatment foster care~~, and subsidized guardianship care under ss. 48.645 and 49.19
17 (10). Social services disbursements under s. 49.32 (2) (b) may be made from this
18 appropriation. Refunds received relating to payments made under s. ~~48.47 (20)~~ (b)
19 for the provision of services for which moneys are appropriated under this paragraph
20 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and
21 20.002 (1), the department of children and families may transfer funds between
22 fiscal years under this paragraph. The department shall deposit into this
23 appropriation funds it recovers under s. 48.569 (2) (b), from prior fiscal year audit
24 adjustments. Except for amounts authorized to be carried forward under s. 48.565,

1 all funds recovered under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and
2 not spent or encumbered by December 31 of each year shall lapse to the general fund
3 on the succeeding January 1 unless carried forward to the next calendar year by the
4 joint committee on finance.✓

> NOTE: NOTE: There is no s. 48.47 (20).NOTE: e

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

5 SECTION 3. 20.437 (1) (cf) of the statutes is amended to read:

6 20.437 (1) (cf) *Foster, treatment foster and family-operated group home parent*
7 *insurance and liability.* The amounts in the schedule to purchase insurance or pay
8 claims as provided under s. 48.627.✓

> → Note: but *****NOTE: This SECTION involves a change in an appropriation, but should not be reflected in the revised schedule in s. 20.005, stats., because of a delayed effective date. ✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

9 SECTION 4. 20.437 (1) (dd) of the statutes is amended to read:

10 20.437 (1) (dd) *State foster care and adoption services.* The amounts in the
11 schedule for foster care, ~~treatment foster care~~, institutional child care, and
12 subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children
13 under s. 49.19 (10) (d), for the cost of the foster care monitoring system, for the cost
14 of providing, or contracting with private adoption agencies to assist the department
15 in providing, services to children with special needs who are under the guardianship
16 of the department to prepare those children for adoption, and for the cost of providing
17 postadoption services to children with special needs who have been adopted.✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

18 SECTION 5. 20.437 (1) (kc) of the statutes is amended to read:

19 20.437 (1) (kc) *Interagency and intra-agency aids; kinship care and long-term*
20 *kinship foster care.* The amounts in the schedule for payments under s. 48.57 (3m)
21 and (3n) 48.62 (4) (c). All moneys transferred from the appropriation account under

the rules promulgated under s.

1 sub. (2) (md) to this appropriation account shall be credited to this appropriation
2 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
3 of each year is transferred to the appropriation account under sub. (2) (kx). ✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 6.** 20.437 (1) (kd) of the statutes is amended to read:

the rule promulgated under s.

5 20.437 (1) (kd) ~~Kinship care and long-term kinship~~ Foster care assessments.

6 The amounts in the schedule for assessments of ~~kinship care relatives, as defined in~~

7 ~~s. 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n)~~

8 ~~(a) 2., relatives~~ who provide care and maintenance for children to determine if those

9 ~~kinship care relatives and long-term kinship care~~ relatives are eligible to receive

10 payments under ~~s. 48.57 (3m) or (3n)~~ 48.62 (4) (c). All moneys transferred from the

11 appropriation account under sub. (2) (md) to this appropriation account shall be

12 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the

13 unencumbered balance on June 30 of each year is transferred to the appropriation

14 account under sub. (2) (kx). ✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 **SECTION 7.** 20.437 (1) (pd) of the statutes is amended to read:

16 20.437 (1) (pd) *Federal aid; state foster care and adoption services.* All federal

17 moneys received for meeting the costs of providing foster care, ~~treatment foster care,~~

18 institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the

19 cost of care for children under s. 49.19 (10) (d), the cost of providing, or contracting

20 with private adoption agencies to assist the department in providing, services to

21 children with special needs who are under the guardianship of the department to

1 prepare those children for adoption, and the cost of providing postadoption services
2 to children with special needs who have been adopted. Disbursements for foster care
3 under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from
4 this appropriation.✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

5 **SECTION 8.** 20.437 (2) (jm) of the statutes is amended to read:

6 20.437 (2) (jm) *Licensing activities.* The amounts in the schedule for the costs
7 of licensing child welfare agencies under s. 48.60, foster homes and treatment foster
8 homes under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65,
9 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing
10 activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7) (b) and (c)
11 shall be credited to this appropriation account.✓

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

12 **SECTION 9.** 20.437 (2) (r) of the statutes is amended to read:

13 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
14 support collections trust fund, except as provided in par. (qm), all moneys received
15 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
16 received under ss. 767.57 and 767.75 for child or family support, maintenance,
17 spousal support, health care expenses, or birth expenses, all other moneys received
18 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
19 and all moneys received under s. 49.855 (4) from the department of revenue or the
20 department of administration that were withheld by the department of revenue or
21 the internal revenue service for delinquent child support, family support, or
22 maintenance or outstanding court-ordered amounts for past support, medical
23 expenses, or birth expenses, for disbursement to the persons for whom the payments

are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.~~, 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.✓

History: 2007 a. 20 ss. 331, 335, 340, 341, ~~342~~, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to ~~480~~, 9121 (6) (a).

SECTION 10. 46.10 (14) (a) of the statutes is amended to read:

46.10 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health complex under s. 51.08, the centers for the developmentally disabled, the Mendota Mental Health Institute, and the Winnebago Mental Health Institute or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes~~, subsidized guardianship homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost-based fee established under s. 46.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other person terminates when the patient reaches age 18, unless the liable person has prevented payment by any act or omission.✓

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103; 2001 a. 16, 59, 103; 2003 a. 33; 2005 a. 25, 264, 434; 2007 a. 20, 97.

SECTION 11. 46.10 (14) (b) of the statutes is amended to read:

1 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
2 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
3 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
4 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
5 ~~foster home~~, subsidized guardianship home, or residential care center for children
6 and youth shall be determined by the court by using the percentage standard
7 established by the department of children and families under s. 49.22 (9) and by
8 applying the percentage standard in the manner established by the department
9 under par. (g).✓

History: 1971 c. 125; 1971 c. 213 s. 5; 1973 c. 90 ss. 223, 223m, 560 (3); 1973 c. 198, 333; 1975 c. 39 ss. 347 to 350, 734; 1975 c. 41, 94; 1975 c. 189 s. 99 (2); 1975 c. 198, 199, 224; 1975 c. 413 s. 18; 1975 c. 428; 1975 c. 430 ss. 6, 80; 1977 c. 29, 203; 1977 c. 418 ss. 294 to 295, 924 (50), 929 (18); 1977 c. 428; 1977 c. 447 s. 206; 1977 c. 449 ss. 75, 497; 1979 c. 34; 1979 c. 102 ss. 236 (4), 237; 1979 c. 117, 221, 331; 1981 c. 20 ss. 755 to 758, 2202 (20) (i), (n); 1981 c. 81; 1983 a. 27 ss. 955m, 2202 (20); 1985 a. 29, 176, 281, 332; 1987 a. 307; 1989 a. 31, 56, 96, 212; 1991 a. 39, 221, 315, 316; 1993 a. 16, 27, 385, 437, 446, 479, 481; 1995 a. 27 ss. 2054, 2055, 9130 (4); 1995 a. 77, 224, 404; 1997 a. 3, 27, 35, 237, 308; 1999 a. 9, 103; 2001 a. 16, 59, 103; 2003 a. 33; 2005 a. 25, 264, 434; 2007 a. 20, 97.

10 **SECTION 12.** 46.21 (2) (j) of the statutes is amended to read:

11 46.21 (2) (j) May exercise approval or disapproval power over contracts and
12 purchases of the director that are for \$50,000 or more, except that the county board
13 of supervisors may not exercise approval or disapproval power over any personal
14 service contract or over any contract or purchase of the director ~~which~~ that relates
15 to community living arrangements, adult family homes, or foster homes ~~or treatment~~
16 ~~foster homes~~ and ~~which~~ that was entered into pursuant to a contract under s. 46.031
17 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except
18 as provided in par. (m). This paragraph does not preclude the county board of
19 supervisors from creating a central purchasing department for all county purchases.✓

History: 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23); 1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9; 2005 a. 264, 388, 443; 2007 a. 20, 45.

20 **SECTION 13.** 46.56 (8) (L) of the statutes is amended to read:

21 46.56 (8) (L) In providing integrated services under this section, the service
22 coordination agency and the designated service providers shall include in the

integrated service plan all individuals who are active in the care of the child with severe disabilities, including members of the child's family, foster parents, ~~treatment foster parents~~ and other individuals who by close and continued association with the child have come to occupy significant roles in the care and treatment of the child with severe disabilities.✓

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16.

SECTION 14. 46.56 (15) (b) 4. of the statutes is amended to read:

46.56 (15) (b) 4. Submit a description of the existing services in the county for children with severe disabilities, an assessment of any gaps in services, and a plan for using the funds under this program or from other funding sources to develop or expand any needed community-based services such as in-home treatment, ~~treatment foster care~~, day treatment, respite care, or crisis services.✓

History: 1989 a. 31; 1993 a. 27, 399, 446; 1995 a. 27 ss. 2317, 2318, 9130 (4), 9145 (1); 1995 a. 77, 201; 1997 a. 3, 27, 114, 164; 2001 a. 16.

SECTION 15. 48.01 (1) (gg) of the statutes is amended to read:

48.01 (1) (gg) To promote the adoption of children into safe and stable families rather than allowing children to remain in the impermanence of foster or ~~treatment foster care~~.✓

History: 1977 c. 354; 1979 c. 330; 1981 c. 81; 1985 a. 311; 1987 a. 383; 1989 a. 41; 1993 a. 446; 1995 a. 77, 275; 1997 a. 237, 292; 1999 a. 32; 2007 a. 20.

SECTION 16. 48.02 (6) of the statutes is amended to read:

48.02 (6) "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for no more than 4 children or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the department promulgates rules permitting a different number of children, for the number of children permitted under those rules.✓

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69; 2005 a. 113, 232, 277, 344; 2005 a. 443 s. 265; 2007 a. 20.

SECTION 17. 48.02 (17q) of the statutes is repealed.✓

SECTION 18. 48.195 (2) (d) 5. of the statutes is amended to read:

1 48.195 (2) (d) 5. The child's foster parent, ~~treatment foster parent~~, or other
2 person having physical custody of the child. ✓

3 History: 2001 a. 2. ✓

3 SECTION 19. 48.207 (1) (c) of the statutes is amended to read:

4 48.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~
5 provided if the placement does not violate the conditions of the license. ✓

6 History: 1977 c. 354, 355, 447; 1979 c. 300; 1983 a. 172; 1983 a. 189 s. 329 (5); 1985 a. 332; 1993 a. 446; 1997 a. 27, 292; 1999 a. 9. ✓

6 SECTION 20. 48.207 (1) (f) of the statutes is amended to read:

7 48.207 (1) (f) The home of a person not a relative, if the placement does not
8 exceed 30 days, though the placement may be extended for an additional 30 days for
9 cause by the court, and if the person has not had a ~~foster home or treatment foster~~
10 ~~home~~ license under s. 48.62 refused, revoked, or suspended within the last 2 years. ✓

11 History: 1977 c. 354, 355, 447; 1979 c. 300; 1983 a. 172; 1983 a. 189 s. 329 (5); 1985 a. 332; 1993 a. 446; 1997 a. 27, 292; 1999 a. 9. ✓

11 SECTION 21. 48.207 (3) of the statutes is amended to read:

12 48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital,
13 foster home, ~~treatment foster home~~, relative's home, or other appropriate medical or
14 child welfare facility ~~which~~ that is not used primarily for the detention of delinquent
15 children. ✓
16 Insert
10-15

16 History: 1977 c. 354, 355, 447; 1979 c. 300; 1983 a. 172; 1983 a. 189 s. 329 (5); 1985 a. 332; 1993 a. 446; 1997 a. 27, 292; 1999 a. 9. ✓

16 SECTION 22. 48.27 (3) (a) 1. of the statutes is amended to read:

17 48.27 (3) (a) 1. If the petition that was filed relates to facts concerning a
18 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
19 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
20 guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~
21 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
22 the unborn child's guardian ad litem, if applicable, and any person specified in par.
23 (b), (d), or (e), if applicable, of all hearings involving the child except hearings on

1 motions for which notice need only be provided to the child and his or her counsel.
2 When parents who are entitled to notice have the same place of residence, notice to
3 one shall constitute notice to the other. The first notice to any interested party, foster
4 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2)
5 shall be written and may have a copy of the petition attached to it. Thereafter, notice
6 of hearings may be given by telephone at least 72 hours before the time of the
7 hearing. The person giving telephone notice shall place in the case file a signed
8 statement of the time notice was given and the person to whom he or she spoke. ✓

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96.

9 **SECTION 23.** 48.27 (3) (a) 1m. of the statutes is amended to read:

10 48.27 (3) (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
11 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
12 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
13 ~~treatment foster parent~~ or other physical custodian to make a written or oral
14 statement during the hearing, or to submit a written statement prior to the hearing,
15 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
16 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
17 notice of a hearing under subd. 1. and an opportunity to be heard under this
18 subdivision does not become a party to the proceeding on which the hearing is held
19 solely on the basis of receiving that notice and opportunity to be heard. ✓

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96.

20 **SECTION 24.** 48.27 (3) (a) 2. of the statutes is amended to read:

21 48.27 (3) (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment~~
22 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
23 court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster~~

1 ~~parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a
2 hearing under subd. 1., that person may request a rehearing on the matter during
3 the pendency of an order resulting from the hearing. If the request is made, the court
4 shall order a rehearing. ✓

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96.

5 **SECTION 25.** 48.27 (6) of the statutes is amended to read:

6 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
7 shall receive notice and appropriate summons shall be issued in a manner specified
8 by the court, consistent with applicable governing statutes. In addition, if the child
9 who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster~~
10 ~~parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the
11 foster parent, ~~treatment foster parent~~ or other physical custodian notice and an
12 opportunity to be heard as provided in sub. (3) (a). ✓

History: 1977 c. 354; 1979 c. 300, 331, 359; 1983 a. 27; Sup. Ct. Order, 141 Wis. 2d xiv (1987); 1987 a. 403; 1991 a. 263, 315; 1993 a. 98, 395; 1995 a. 27, 77, 275; 1997 a. 237, 292; 1999 a. 32, 149; 2005 a. 293; 2005 a. 443 s. 265; 2007 a. 96.

13 **SECTION 26.** 48.299 (1) (ag) of the statutes is amended to read:

14 48.299 (1) (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
15 a public hearing is not held, only the parties and their counsel or guardian ad litem,
16 the court-appointed special advocate for the child, the child's foster parent,
17 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2),
18 witnesses, and other persons requested by a party and approved by the court may
19 be present, except that the court may exclude a foster parent, ~~treatment foster parent~~
20 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
21 if that portion of the hearing deals with sensitive personal information of the child
22 or the child's family or if the court determines that excluding the foster parent,
23 ~~treatment foster parent~~ or other physical custodian would be in the best interests of

1 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
2 to have a proper interest in the case or in the work of the court, including a member
3 of the bar, may be admitted by the court. ✓

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265.

4 **SECTION 27.** 48.299 (1) (ar) of the statutes is amended to read:

5 48.299 (1) (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless
6 a public fact-finding hearing is demanded by the child through her counsel. In a
7 proceeding under s. 48.375 (7), the child's foster parent, ~~treatment foster parent~~ or
8 other physical custodian described in s. 48.62 (2) may be present if requested by a
9 party and approved by the court. ✓

History: 1979 c. 300; 1981 c. 353; 1985 a. 311; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1991 a. 263, 269; 1993 a. 16, 32, 98, 227, 228, 395; 1995 a. 77, 201, 275; 1997 a. 35, 252, 292, 334; 1999 a. 32, 149; 2005 a. 443 s. 265.

10 **SECTION 28.** 48.32 (1) (c) 2. of the statutes is amended to read:

11 48.32 (1) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
12 date of the hearing the court shall notify the child, any parent, guardian, and legal
13 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
15 of the hearing. ✓

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20.

16 **SECTION 29.** 48.32 (1) (c) 3. of the statutes is amended to read:

17 48.32 (1) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
18 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 ~~treatment foster parent~~, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under

1 subd. 2. and an opportunity to be heard under this subdivision does not become a
2 party to the proceeding on which the hearing is held solely on the basis of receiving
3 that notice and opportunity to be heard. ✓

History: 1977 c. 354; 1985 a. 311; 1987 a. 27, 285, 339; 1991 a. 213, 253, 315; 1993 a. 98; 1995 a. 24, 77, 448; 1997 a. 292; 1999 a. 149; 2001 a. 61, 109; 2007 a. 20.

4 **SECTION 30.** 48.33 (4) (intro.) of the statutes is amended to read:

5 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
6 placement of an adult expectant mother outside of her home shall be in writing. A
7 report recommending placement of a child in a foster home, ~~treatment foster home,~~
8 group home, or residential care center for children and youth, in the home of a
9 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
10 be in writing and shall include all of the following: ✓

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20.

11 **SECTION 31.** 48.33 (5) of the statutes is amended to read:

12 48.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT;~~
13 CONFIDENTIALITY. If the report recommends placement in a foster home or a treatment
14 foster home, and the name of the foster parent or ~~treatment foster parent~~ is not
15 available at the time the report is filed, the agency shall provide the court and the
16 child's parent or guardian with the name and address of the foster parent or
17 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
18 except that the court may order the information withheld from the child's parent or
19 guardian if the court finds that disclosure would result in imminent danger to the
20 child or to the foster parent or ~~treatment foster parent~~. After notifying the child's
21 parent or guardian, the court shall hold a hearing prior to ordering the information
22 withheld. ✓

History: 1977 c. 354; 1979 c. 300; 1983 a. 399; 1987 a. 27, 339; 1989 a. 31, 41, 107; 1993 a. 377, 385, 446, 481; 1995 a. 27, 77, 201; 1997 a. 27, 292; 2001 a. 59, 109; 2005 a. 25; 2007 a. 20.

23 **SECTION 32.** 48.335 (3g) (intro.) of the statutes is amended to read:

1 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
2 s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment~~
3 ~~foster home~~, group home, or residential care center for children and youth or in the
4 home of a relative other than a parent, the agency shall present as evidence specific
5 information showing all of the following: ✓

^{20.} **History:** 1977 c. 354; 1979 c. 300, 331, 359; ~~Sup. Ct. Order~~, 141 Wis. 2d xiii (1987); 1993 a. 98, 481; 1995 a. 77; 1997 a. 252, 292; 2001 a. 109; 2007 a.

6 **SECTION 33.** 48.345 (3) (c) of the statutes is amended to read:

7 48.345 (3) (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62,
8 a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977
9 (2). ✓

History: 1971 c. 125; 1977 c. 354; 1979 c. ~~300~~; 1987 a. 285; 1989 a. 31, 107; 1993 a. 363, 377, 385, 491; 1995 a. 27; 1995 a. 77 ss. 235 to 237, 239, 241, 249, 250, 257 to 263; 1995 a. 225, 448; 1997 a. ~~27~~, 80, 164, 292; 1999 a. 9, 149; 2001 a. 59, 69; 2005 a. 25, 387.

10 **SECTION 34.** 48.355 (2) (b) 2. of the statutes is amended to read:

11 48.355 (2) (b) 2. If the child is placed outside the home, the name of the place
12 or facility, including transitional placements, where the child ~~shall~~ will be cared for
13 or treated, except that if the placement is a foster home ~~or treatment foster home~~ and
14 if the name and address of the foster parent ~~or treatment foster parent~~ is not
15 available at the time of the order, the name and address of the foster parent ~~or~~
16 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
17 of after the order. If, after a hearing on the issue with due notice to the parent or
18 guardian, the judge finds that disclosure of the identity of the foster parent ~~or~~
19 ~~treatment foster parent~~ would result in imminent danger to the child, or the foster
20 parent ~~or the treatment foster parent~~, the judge may order the name and address of
21 the prospective foster parents ~~or treatment foster parents~~ to be withheld from the
22 parent or guardian. ✓

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. ~~27~~, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116.

23 **SECTION 35.** 48.355 (2d) (c) 2. of the statutes is amended to read:

1 48.355 (2d) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
2 date of the hearing the court shall notify the child, any parent, guardian, and legal
3 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
4 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
5 of the hearing. ✓

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993
a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007
a. 20, 116.

6 **SECTION 36.** 48.355 (2d) (c) 3. of the statutes is amended to read:

7 48.355 (2d) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
8 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
10 ~~treatment foster parent~~, or other physical custodian to make a written or oral
11 statement during the hearing, or to submit a written statement prior to the hearing,
12 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
13 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
14 subd. 2. and an opportunity to be heard under this subdivision does not become a
15 party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity to be heard. ✓

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993
a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007
a. 20, 116.

17 **SECTION 37.** 48.355 (4) of the statutes is amended to read:

18 48.355 (4) TERMINATION OF ORDERS. Except as provided under s. 48.368, an order
19 under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age
20 that places or continues the placement of the child in his or her home shall terminate
21 at the end of one year after its entry unless the judge specifies a shorter period of time
22 or the judge terminates the order sooner. Except as provided under s. 48.368, an
23 order under this section or s. 48.357 or 48.365 made before the child reaches 18 years

1 of age that places or continues the placement of the child in a foster home, ~~treatment~~
2 ~~foster home~~, group home, or residential care center for children and youth or in the
3 home of a relative other than a parent shall terminate when the child reaches 18
4 years of age, at the end of one year after its entry, or, if the child is a full-time student
5 at a secondary school or its vocational or technical equivalent and is reasonably
6 expected to complete the program before reaching 19 years of age, when the child
7 reaches 19 years of age, whichever is later, unless the judge specifies a shorter period
8 of time or the judge terminates the order sooner. An order under this section or s.
9 48.357 or 48.365 relating to an unborn child in need of protection or services that is
10 made before the unborn child is born shall terminate at the end of one year after its
11 entry unless the judge specifies a shorter period of time or the judge terminates the
12 order sooner. ✓

History: 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993
a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007
a. 20, 116.

13 **SECTION 38. 48.357 (1) (am) 1. of the statutes is amended to read:**

14 48.357 (1) (am) 1. If the proposed change in placement involves any change in
15 placement other than a change in placement specified in par. (c), the person or agency
16 primarily responsible for implementing the dispositional order, the district attorney,
17 or the corporation counsel shall cause written notice of the proposed change in
18 placement to be sent to the child, the parent, guardian, and legal custodian of the
19 child, any foster parent, ~~treatment foster parent~~, or other physical custodian
20 described in s. 48.62 (2) of the child, the child's court-appointed special advocate,
21 and, if the child is the expectant mother of an unborn child under s. 48.133, the
22 unborn child by the unborn child's guardian ad litem. If the expectant mother is an
23 adult, written notice shall be sent to the adult expectant mother and the unborn child
24 by the unborn child's guardian ad litem. The notice shall contain the name and

1 address of the new placement, the reasons for the change in placement, a statement
2 describing why the new placement is preferable to the present placement, and a
3 statement of how the new placement satisfies objectives of the treatment plan
4 ordered by the court. ✓

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292;
1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20.

5 **SECTION 39. 48.357 (2m) (b)** of the statutes is amended to read:

6 **48.357 (2m) (b)** The court shall hold a hearing on the matter prior to ordering
7 any change in placement requested or proposed under par. (a) if the request states
8 that new information is available that affects the advisability of the current
9 placement, unless the requested or proposed change in placement involves any
10 change in placement other than a change in placement of a child placed in the home
11 to a placement outside the home and written waivers of objection to the proposed
12 change in placement are signed by all persons entitled to receive notice under sub.
13 (1) (am) 1., other than a court-appointed special advocate, and the court approves.
14 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
15 legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other
16 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
17 special advocate, all parties who are bound by the dispositional order, and, if the child
18 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
19 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
20 unborn child by the unborn child's guardian ad litem, and all parties who are bound
21 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
22 or proposal for the change in placement shall be attached to the notice. If all of the
23 parties consent, the court may proceed immediately with the hearing. ✓

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292;
1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20.

X
1 **SECTION 40.** 48.357 (2r) of the statutes is amended to read:

2 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
3 in placement would remove a child from a foster home, ~~treatment foster home~~, or
4 other placement with a physical custodian described in s. 48.62 (2), the court shall
5 give the foster parent, ~~treatment foster parent~~, or other physical custodian described
6 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
7 parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral
8 statement during the hearing or to submit a written statement prior to the hearing
9 relating to the child and the requested change in placement. A foster parent,
10 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
11 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to
12 be heard under this subsection does not become a party to the proceeding on which
13 the hearing is held solely on the basis of receiving that notice and opportunity to be
14 heard. ✓

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292;
1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20.

15 **SECTION 41.** 48.357 (2v) (c) 2. of the statutes is amended to read:

16 48.357 (2v) (c) 2. If a hearing is held under subd. 1., at least 10 days before the
17 date of the hearing the court shall notify the child, any parent, guardian, and legal
18 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
19 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
20 of the hearing. ✓

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292;
1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20.

21 **SECTION 42.** 48.357 (2v) (c) 3. of the statutes is amended to read:

22 48.357 (2v) (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
23 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under

1 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
2 ~~treatment foster parent~~, or other physical custodian to make a written or oral
3 statement during the hearing, or to submit a written statement prior to the hearing,
4 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
5 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
6 subd. 2. and an opportunity to be heard under this subdivision does not become a
7 party to the proceeding on which the hearing is held solely on the basis of receiving
8 that notice and opportunity to be heard.✓

History: 1977 c. 354; 1979 c. 300; 1987 a. 27; 1989 a. 31, 107; 1993 a. 16, 385, 395, 446, 481, 491; 1995 a. 27, 77, 275, 404; 1997 a. 3, 35, 80, 237, 292; 1999 a. 9, 103, 149; 2001 a. 16, 103, 109; 2005 a. 253; 2007 a. 20.

9 **SECTION 43.** 48.363 (1) (b) of the statutes is amended to read:

10 48.363 (1) (b) If a hearing is held, the court shall notify the child, the child's
11 parent, guardian, and legal custodian, all parties bound by the dispositional order,
12 the child's foster parent, ~~treatment foster parent~~ or other physical custodian
13 described in s. 48.62 (2), the child's court-appointed special advocate, the district
14 attorney or corporation counsel in the county in which the dispositional order was
15 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
16 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
17 expectant mother, the unborn child through the unborn child's guardian ad litem, all
18 parties bound by the dispositional order and the district attorney or corporation
19 counsel in the county in which the dispositional order was entered, at least 3 days
20 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
21 If all parties consent, the court may proceed immediately with the hearing. No
22 revision may extend the effective period of the original order.✓

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109; 2007 a. 20.

23 **SECTION 44.** 48.363 (1m) of the statutes is amended to read:

1 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
2 evidence relevant to the issue of revision of the dispositional order. In addition, the
3 court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian
4 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
5 permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to
6 make a written or oral statement during the hearing, or to submit a written
7 statement prior to the hearing, relevant to the issue of revision. A foster parent,
8 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
9 receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under
10 this subsection does not become a party to the proceeding on which the hearing is
11 held solely on the basis of receiving that notice and opportunity to be heard.✓

History: 1977 c. 354; 1979 c. 300; 1985 a. 172; 1993 a. 481; 1995 a. 275, 404; 1997 a. 3, 80, 237, 292; 1999 a. 103, 149; 2001 a. 38, 109; 2007 a. 20.

12 **SECTION 45.** 48.365 (2) of the statutes is amended to read:

13 48.365 (2) No order may be extended without a hearing. The court shall notify
14 the child, the child's parent, guardian⁽²⁾ and legal custodian, all the parties present at
15 the original hearing, the child's foster parent, ~~treatment foster parent~~ or other
16 physical custodian described in s. 48.62 (2), the child's court-appointed special
17 advocate, the district attorney or corporation counsel in the county in which the
18 dispositional order was entered and, if the child is an expectant mother of an unborn
19 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
20 shall notify the adult expectant mother, the unborn child through the unborn child's
21 guardian ad litem, all the parties present at the original hearing⁽²⁾ and the district
22 attorney or corporation counsel in the county in which the dispositional order was
23 entered, of the time and place of the hearing.✓

History: 1977 c. 354; 1979 c. 300; 1983 a. 354, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199.

24 **SECTION 46.** 48.365 (2m) (ad) 2. of the statutes is amended to read:

1 48.365 (2m) (ad) 2. If a hearing is held under subd. 1., at least 10 days before
2 the date of the hearing the court shall notify the child, any parent, guardian, and
3 legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
4 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
5 of the hearing. ✓

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199.

6 **SECTION 47.** 48.365 (2m) (ag) of the statutes is amended to read:

7 48.365 (2m) (ag) The court shall give a foster parent, ~~treatment foster parent~~,
8 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
10 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
11 or oral statement during the hearing, or to submit a written statement prior to the
12 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
13 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
14 under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph
15 does not become a party to the proceeding on which the hearing is held solely on the
16 basis of receiving that notice and opportunity to be heard. ✓

History: 1977 c. 354; 1979 c. 300; 1983 a. 351, 399, 538; 1985 a. 172; 1987 a. 383; 1989 a. 31, 86, 107, 359; 1993 a. 16, 98, 377, 446; 1995 a. 27, 77, 275; 1997 a. 27, 80, 237, 292; 1999 a. 32, 149; 2001 a. 109; 2007 a. 199.

17 **SECTION 48.** 48.371 (1) (intro.) of the statutes is amended to read:

18 48.371 (1) (intro.) If a child is placed in a foster home, ~~treatment foster home~~,
19 group home, or residential care center for children and youth or in the home of a
20 relative other than a parent, including a placement under s. 48.205 or 48.21, the
21 agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the
22 placement of the child shall provide the following information to the foster parent,
23 ~~treatment foster parent~~, relative, or operator of the group home or residential care

center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date: ✓

History: 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116.

SECTION 49. 48.371 (1) (a) of the statutes is amended to read:

48.371 (1) (a) Results of a test or a series of tests of the child to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6). ✓

History: 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116.

SECTION 50. 48.371 (3) (intro.) of the statutes is amended to read:

48.371 (3) (intro.) At the time of placement of a child in a foster home, ~~treatment foster home~~, group home, or residential care center for children and youth or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or

1 agency that prepared the court report or permanency plan relating to any of the
2 following:✓

3 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116.

SECTION 51. 48.371 (3) (d) of the statutes is amended to read:

4 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,
5 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or
6 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2)
7 if s. 940.302 (2) (a). 1. b. applies, sexual exploitation of a child in violation of s. 948.05,
8 trafficking of a child in violation of s. 948.051, or causing a child to view or listen to
9 sexual activity in violation of s. 948.055, if the information is necessary for the care
10 of the child or for the protection of any person living in the foster home, treatment
11 foster home, group home, or residential care center for children and youth or in the
12 home of the relative.✓

13 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116.

SECTION 52. 48.371 (5) of the statutes is amended to read:

14 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, treatment
15 foster parent, relative, or operator of a group home or residential care center for
16 children and youth that receives any information under sub. (1) or (3), other than the
17 information described in sub. (3) (e), shall keep the information confidential and may
18 disclose that information only for the purposes of providing care for the child or
19 participating in a court hearing or permanency plan review concerning the child.✓

20 **History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005 a. 232, 277; 2007 a. 97, 116.

SECTION 53. 48.375 (4) (a) 1. of the statutes is amended to read:

21 48.375 (4) (a) 1. The person or the person's agent has, either directly or through
22 a referring physician or his or her agent, received and made part of the minor's
23 medical record, under the requirements of s. 253.10, the voluntary and informed
24 written consent of the minor and the voluntary and informed written consent of one

1 of her parents; or of the minor's guardian or legal custodian, if one has been
2 appointed; or of an adult family member of the minor; or of one of the minor's foster
3 parents ~~or treatment foster parents~~, if the minor has been placed in a foster home
4 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
5 department, a county department, or the foster parent ~~or the treatment foster parent~~
6 the authority to consent to medical services or treatment on behalf of the minor. ✓

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309; 2001 a. 16, 103; 2007 a. 20 s. 892; 2007 a. 199.

7 **SECTION 54.** 48.375 (4) (b) 1m. of the statutes is amended to read:

8 48.375 (4) (b) 1m. A physician who specializes in psychiatry or a licensed
9 psychologist, as defined in s. 455.01 (4), states in writing that the physician or
10 psychologist believes, to the best of his or her professional judgment based on the
11 facts of the case before him or her, that the minor is likely to commit suicide rather
12 than file a petition under s. 48.257 or approach her parent, or guardian or legal
13 custodian, if one has been appointed, or an adult family member of the minor, or one
14 of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed
15 in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver
16 granting the department, a county department, or the foster parent ~~or the treatment~~
17 ~~foster parent~~ the authority to consent to medical services or treatment on behalf of
18 the minor, for consent. ✓

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309; 2001 a. 16, 103; 2007 a. 20 s. 892; 2007 a. 199.

19 **SECTION 55.** 48.375 (4) (b) 3. of the statutes is amended to read:

20 48.375 (4) (b) 3. The minor provides the person who intends to perform or
21 induce the abortion with a written statement, signed and dated by the minor, that
22 a parent who has legal custody of the minor, or the minor's guardian or legal
23 custodian, if one has been appointed, or an adult family member of the minor, or a
24 foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home

1 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
2 department, a county department, or the foster parent ~~or the treatment foster parent~~
3 the authority to consent to medical services or treatment on behalf of the minor, has
4 inflicted abuse on the minor. The person who intends to perform or induce the
5 abortion shall place the statement in the minor's medical record. The person who
6 intends to perform or induce the abortion shall report the abuse as required under
7 s. 48.981 (2). ✓

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309; 2001 a. 16, 103; 2007 a. 20 s. 892; 2007 a. 199.

8 **SECTION 56.** 48.375 (7) (f) of the statutes is amended to read:

9 48.375 (7) (f) *Certain persons barred from proceedings.* No parent, or guardian
10 or legal custodian, if one has been appointed, or foster parent ~~or treatment foster~~
11 ~~parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and
12 the minor's parent has signed a waiver granting the department, a county
13 department, or the foster parent ~~or the treatment foster parent~~ the authority to
14 consent to medical services or treatment on behalf of the minor, or adult family
15 member, of any minor who is seeking a court determination under this subsection
16 may attend, intervene ^{or} give evidence in any proceeding under this subsection. ✓

History: 1991 a. 263, 315; 1993 a. 112, 230, 446; 1995 a. 77, 275, 309; 2001 a. 16, 103; 2007 a. 20 s. 892; 2007 a. 199.

17 **SECTION 57.** 48.38 (2) (intro.) of the statutes is amended to read:

18 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
19 for each child living in a foster home, ~~treatment foster home~~, group home, residential
20 care center for children and youth, juvenile detention facility, or shelter care facility,
21 the agency that placed the child or arranged the placement or the agency assigned
22 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
23 shall prepare a written permanency plan, if any of the following conditions exists,
24 and, for each child living in the home of a relative other than a parent, that agency

1 shall prepare a written permanency plan, if any of the conditions specified in pars.

2 (a) to (e) exists: ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

3 **SECTION 58.** 48.38 (2) (g) of the statutes is amended to read:

4 48.38 (2) (g) The child's parent is placed in a foster home, ~~treatment foster~~
5 ~~home~~, group home, residential care center for children and youth, juvenile detention
6 facility, or shelter care facility and the child is residing with that parent. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

7 **SECTION 59.** 48.38 (4) (d) (intro.) of the statutes is amended to read:

8 48.38 (4) (d) (intro.) If the child is living more than 60 miles from his or her
9 home, documentation that placement within 60 miles of the child's home is either
10 unavailable or inappropriate or documentation that placement more than 60 miles
11 from the child's home is in the child's best interests. The placement of a child in a
12 licensed foster home or a ~~licensed treatment foster home~~ more than 60 miles from the
13 child's home is presumed to be in the best interests of the child if documentation is
14 provided which shows all of the following: ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

15 **SECTION 60.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

16 48.38 (4) (f) (intro.) A description of the services that will be provided to the
17 child, the child's family, and the child's foster parent, ~~the child's treatment foster~~
18 ~~parent~~, the operator of the facility where the child is living, or the relative with whom
19 the child is living to carry out the dispositional order, including services planned to
20 accomplish all of the following: ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

21 **SECTION 61.** 48.38 (5) (b) of the statutes is amended to read:

1 48.38 (5) (b) The court or the agency shall notify the parents of the child, the
2 child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's~~
3 ~~treatment foster parent~~, the operator of the facility in which the child is living, or the
4 relative with whom the child is living of the date, time, and place of the review, of the
5 issues to be determined as part of the review, and of the fact that they may have an
6 opportunity to be heard at the review by submitting written comments not less than
7 10 working days before the review or by participating at the review. The court or
8 agency shall notify the person representing the interests of the public, the child's
9 counsel, the child's guardian ad litem, and the child's court-appointed special
10 advocate of the date of the review, of the issues to be determined as part of the review,
11 and of the fact that they may submit written comments not less than 10 working days
12 before the review. The notices under this paragraph shall be provided in writing not
13 less than 30 days before the review and copies of the notices shall be filed in the child's
14 case record. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491;
1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 177, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

15 **SECTION 62.** 48.38 (5) (e) of the statutes is amended to read:

16 48.38 (5) (e) Within 30 days, the agency shall prepare a written summary of
17 the determinations under par. (c) and shall provide a copy to the court that entered
18 the order, the child or the child's counsel or guardian ad litem, the person
19 representing the interests of the public, the child's parent or guardian, the child's
20 court-appointed special advocate and the child's foster parent, ~~the child's treatment~~
21 ~~foster parent~~ or the operator of the facility where the child is living. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491;
1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 177, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

22 **SECTION 63.** 48.38 (5m) (b) of the statutes is amended to read:

1 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
2 shall notify the child; the child's parent, guardian, and legal custodian; the child's
3 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child
4 is living, or the relative with whom the child is living; the child's counsel, the child's
5 guardian ad litem, and the child's court-appointed special advocate; the agency that
6 prepared the permanency plan; and the person representing the interests of the
7 public of the date, time, and place of the hearing. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491;
1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

8 **SECTION 64.** 48.38 (5m) (c) of the statutes is amended to read:

9 48.38 (5m) (c) Any person who is provided notice of the hearing may have an
10 opportunity to be heard at the hearing by submitting written comments relevant to
11 the determinations specified in sub. (5) (c) not less than 10 working days before the
12 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~
13 ~~foster parent~~, operator of a facility in which a child is living, or relative with whom
14 a child is living who receives notice of a hearing under par. (b) and an opportunity
15 to be heard under this paragraph does not become a party to the proceeding on which
16 the hearing is held solely on the basis of receiving that notice and opportunity to be
17 heard. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491;
1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

18 **SECTION 65.** 48.38 (5m) (e) of the statutes is amended to read:

19 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
20 and conclusions of law relating to the determinations under sub. (5) (c) and shall
21 provide a copy of those findings of fact and conclusions of law to the child; the child's
22 parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster~~
23 ~~parent~~, the operator of the facility in which the child is living, or the relative with

1 whom the child is living; the child's court-appointed special advocate; the agency
2 that prepared the permanency plan; and the person representing the interests of the
3 public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
4 basis based on circumstances specific to the child and shall document or reference
5 the specific information on which those findings are based in the findings of fact and
6 conclusions of law prepared under this paragraph. Findings of fact and conclusions
7 of law that merely reference sub. (5) (c) 7. without documenting or referencing that
8 specific information in the findings of fact and conclusions of law or amended
9 findings of fact and conclusions of law that retroactively correct earlier findings of
10 fact and conclusions of law that do not comply with this paragraph are not sufficient
11 to comply with this paragraph. ✓

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491;
1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237; 1999 a. 149; 2001 a. 2, 59, 69, 109; 2005 a. 344, 448; 2007 a. 20.

12 **SECTION 66.** 48.40 (1m) of the statutes is repealed.

13 **SECTION 67.** 48.42 (2) (d) of the statutes is amended to read:

14 48.42 (2) (d) Any other person to whom notice is required to be given by ch. 822,
15 excluding foster parents and ~~treatment foster parents~~ who shall be provided notice
16 as required under sub. (2g). ✓

History: 1973 c. 263; 1977 c. 354; 1979 c. 380; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383;
1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97.

17 **SECTION 68.** 48.42 (2g) (a) of the statutes is amended to read:

18 48.42 (2g) (a) In addition to causing the summons and petition to be served as
19 required under sub. (2), the petitioner shall also notify any foster parent, ~~treatment~~
20 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all
21 hearings on the petition. The first notice to any foster parent, ~~treatment foster~~
22 ~~parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall
23 have a copy of the petition attached to it, shall state the nature, location, date, and

1 time of the initial hearing and shall be mailed to the last-known address of the foster
2 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2).
3 Thereafter, notice of hearings may be given by telephone at least 72 hours before the
4 time of the hearing. The person giving telephone notice shall place in the case file
5 a signed statement of the time notice was given and the person to whom he or she
6 spoke. ✓

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97.

7 **SECTION 69.** 48.42 (2g) (am) of the statutes is amended to read:

8 48.42 (2g) (am) The court shall give a foster parent, ~~treatment foster parent~~
9 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
10 par. (a) an opportunity to be heard at the hearing by permitting the foster parent,
11 ~~treatment foster parent~~ or other physical custodian to make a written or oral
12 statement during the hearing, or to submit a written statement prior to the hearing,
13 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
14 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
15 notice of a hearing under par. (a) and an opportunity to be heard under this
16 paragraph does not become a party to the proceeding on which the hearing is held
17 solely on the basis of receiving that notice and opportunity to be heard. ✓

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97.

18 **SECTION 70.** 48.42 (2g) (b) of the statutes is amended to read:

19 48.42 (2g) (b) Failure to give notice under par. (a) to a foster parent, ~~treatment~~
20 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
21 court of jurisdiction in the proceeding. If a foster parent, ~~treatment foster parent~~ or
22 other physical custodian described in s. 48.62 (2) is not given notice of a hearing
23 under par. (a), that person may request a rehearing on the matter at any time prior

1 to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court
2 shall order a rehearing. ✓

History: 1973 c. 263; 1977 c. 354; 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 391; 1983 a. 447; 1985 a. 94; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1989 a. 86; 1993 a. 395, 446; 1995 a. 108, 225, 275, 352; 1997 a. 35, 80, 191, 237; 1999 a. 9, 83; 2005 a. 277, 293; 2005 a. 443 s. 265; 2007 a. 96, 97.

3 **SECTION 71.** 48.427 (1m) of the statutes is amended to read:

4 48.427 (1m) In addition to any evidence presented under sub. (1), the court
5 shall give the foster parent, ~~treatment foster parent~~ or other physical custodian
6 described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional
7 hearing by permitting the foster parent, ~~treatment foster parent~~ or other physical
8 custodian to make a written or oral statement during the dispositional hearing, or
9 to submit a written statement prior to disposition, relevant to the issue of disposition.
10 A foster parent, ~~treatment foster parent~~ or other physical custodian described in s.
11 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity
12 to be heard under this subsection does not become a party to the proceeding on which
13 the hearing is held solely on the basis of receiving that notice and opportunity to be
14 heard. ✓

the rules promulgated under
History: 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237; 2005 a. 25, 232.

15 **SECTION 72.** 48.427 (3m) (a) 5. of the statutes is amended to read:

16 48.427 (3m) (a) 5. A relative with whom the child resides, if the relative has
17 filed a petition to adopt the child or if the relative is a ~~kinship care relative~~ receiving
18 payments under s. 48.62 (4) (c) for providing care and maintenance for the child. ✓

History: 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237; 2005 a. 25, 232.

19 **SECTION 73.** 48.427 (3m) (am) of the statutes is amended to read:

20 48.427 (3m) (am) Transfer guardianship and custody of the child to a county
21 department authorized to accept guardianship under s. 48.57 (1) (hm) for placement
22 of the child for adoption by the child's foster parent or ~~treatment foster parent~~, if the

1 county department has agreed to accept guardianship and custody of the child and
2 the foster parent ~~or treatment foster parent~~ has agreed to adopt the child. ✓

3 **History:** 1979 c. 330; 1981 c. 81, 359; 1985 a. 70, 176; 1995 a. 275, 289; 1997 a. 80, 104, 237; 2005 a. 25, 232.

SECTION 74. 48.428 (2) (a) of the statutes is amended to read:

4 48.428 (2) (a) Except as provided in par. (b), when a court places a child in
5 sustaining care after an order under s. 48.427 (4), the court shall transfer legal
6 custody of the child to the county department, the department, in a county having
7 a population of 500,000 or more, or a licensed child welfare agency, transfer
8 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and
9 place the child in the home of a licensed foster parent, ~~licensed treatment foster~~
10 ~~parent, or kinship care~~ ^{the} or relative with whom the child has resided for 6 months or
11 longer. Pursuant to ~~such a~~ placement, this licensed foster parent, ~~licensed treatment~~
12 ~~foster parent, or kinship care~~ ^{the} or relative shall be a sustaining parent with the powers
13 and duties specified in sub. (3). ✓

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9; 2005 a. 232.

14 **SECTION 75.** 48.428 (2) (b) of the statutes is amended to read:

15 48.428 (2) (b) When a court places a child in sustaining care after an order
16 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
17 under s. 48.977 (2), the court may transfer legal custody of the child to the county
18 department, the department, in a county having a population of 500,000 or more, or
19 a licensed child welfare agency, transfer guardianship of the child to an agency listed
20 in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster
21 parent, ~~licensed treatment foster parent, or kinship care~~ ^{the} or relative with whom the
22 child has resided for 6 months or longer. Pursuant to ~~such a~~ placement, that licensed
23 foster parent, ~~licensed treatment foster parent, or kinship care~~ ^{the} or relative shall be
24 a sustaining parent with the powers and duties specified in sub. (3). If the court

1 transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4.
2 or (am), the court shall terminate the guardianship under s. 48.977. ✓

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9; 2005 a. 232.

3 **SECTION 76.** 48.428 (4) of the statutes is amended to read:

4 48.428 (4) Before a licensed foster parent, ~~licensed treatment foster parent or~~
5 ~~kinship care or~~ relative may be appointed as a sustaining parent, the foster parent,
6 ~~treatment foster parent or kinship care or~~ relative shall execute a contract with the
7 agency responsible for providing services to the child, in which the foster parent,
8 ~~treatment foster parent or kinship care or~~ relative agrees to provide care for the child
9 until the child's 18th birthday unless the placement order is changed by the court
10 because the court finds that the sustaining parents are no longer able or willing to
11 provide the sustaining care or the court finds that the behavior of the sustaining
12 parents toward the child would constitute grounds for the termination of parental
13 rights if the sustaining parent was the birth parent of the child. ✓

History: 1979 c. 330; 1981 c. 81 s. 33; 1981 c. 359 s. 16; 1985 a. 70; 1985 a. 176; 1989 a. 161; 1993 a. 446; 1995 a. 275, 289; 1997 a. 27, 164; 1999 a. 9; 2005 a. 232.

14 **SECTION 77.** 48.43 (5) (b) of the statutes is amended to read:

15 48.43 (5) (b) The court shall hold a hearing to review the permanency plan
16 within 30 days after receiving a report under par. (a). At least 10 days before the date
17 of the hearing, the court shall provide notice of the time, date, and purpose of the
18 hearing to the agency that prepared the report, the child's guardian, the child, if he
19 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent,~~
20 other physical custodian described in s. 48.62 (2), or the operator of the facility in
21 which the child is living. ✓

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199.

22 **SECTION 78.** 48.43 (5m) of the statutes is amended to read:

1 48.43 (5m) Either the court or the agency that prepared the permanency plan
2 shall furnish a copy of the original plan and each revised plan to the child, if he or
3 she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment~~
4 ~~foster parent~~ or the operator of the facility in which the child is living. ✓

History: 1979 c. 330; 1983 a. 27, 219, 286; 1985 a. 70, 176, 332; Sup. Ct. Order, 136 Wis. 2d xxv (1987); 1987 a. 383; 1993 a. 395, 446; 1995 a. 275; 1997 a. 237; 2005 a. 232, 293, 296; 2007 a. 20, 199. ✓

5 **SECTION 79.** 48.48 (9) of the statutes is amended to read:

6 48.48 (9) To license foster homes ~~or treatment foster homes~~ as provided in s.
7 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
8 requested to do so, for the use of county departments. ✓

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20. ✓

9 **SECTION 80.** 48.48 (17) (a) 3. of the statutes is amended to read:

10 48.48 (17) (a) 3. Provide appropriate protection and services for children and
11 the expectant mothers of unborn children in its care, including providing services for
12 those children and their families and for those expectant mothers in their own
13 homes, placing the children in licensed foster homes, ~~treatment foster homes~~, or
14 group homes in this state or another state within a reasonable proximity to the
15 agency with legal custody, placing the children in the homes of guardians under s.
16 48.977 (2), or contracting for services for those children by licensed child welfare
17 agencies, except that the department may not purchase the educational component
18 of private day treatment programs unless the department, the school board, as
19 defined in s. 115.001 (7), and the state superintendent of public instruction all
20 determine that an appropriate public education program is not available. Disputes
21 between the department and the school district shall be resolved by the state
22 superintendent of public instruction. ✓

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385,

446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20.

SECTION 81. 48.48 (17) (a) 8. of the statutes is amended to read:

48.48 (17) (a) 8. License foster homes ~~or treatment foster homes~~ in accordance with s. 48.75. ✓

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20.

SECTION 82. 48.48 (17) (a) 10. of the statutes is repealed.

SECTION 83. 48.48 (17) (c) 4. of the statutes is amended to read:

48.48 (17) (c) 4. Is living in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5). ✓

History: 1973 c. 90, 333; 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 354, 418, 447, 449; 1979 c. 34 ss. 833m, 834, 2102 (20) (a); 1979 c. 221, 300; 1983 a. 27 s. 2202 (20); 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 135, 176; 1985 a. 332 s. 251 (3); 1987 a. 339; 1989 a. 31, 107, 359; 1991 a. 316; 1993 a. 16, 375, 385, 446, 491; 1995 a. 27 ss. 2526 to 2534m, 9126 (19), 9145 (1); 1995 a. 77; 1997 a. 27, 35, 80, 105, 292; 1999 a. 9; 2001 a. 38, 59, 69; 2005 a. 25, 293; 2007 a. 20.

SECTION 84. 48.481 (1) (a) of the statutes is amended to read:

48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster home~~ licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received exceptional foster care ~~or treatment foster care~~ payments ~~under s. 48.62 (4)~~ in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose. ✓ for exceptional circumstances

History: 1999 a. 9, 149; 2003 a. 33; 2007 a. 20 ss. 1117 to 1121; Stats. 2007 s. 48.481.

SECTION 85. 48.52 (1) (a) of the statutes is amended to read:

1 48.52 (1) (a) Receiving homes to be used for the temporary care of children; ✓

History: 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90; 1975 c. 39, 430; 1977 c. 354; 1979 c. 89; 1987 a. 332 s. 64; 1989 a. 31, 107; 1993 a. 385, 446; 1995 a. 27 ss. 2541 to 2541r, 9126 (19); 1995 a. 77; 1997 a. 292.

2 **SECTION 86.** 48.52 (1) (b) of the statutes is amended to read:

3 48.52 (1) (b) Foster homes or treatment foster homes; ✓

History: 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90; 1975 c. 39, 430; 1977 c. 354; 1979 c. 89; 1987 a. 332 s. 64; 1989 a. 31, 107; 1993 a. 385, 446; 1995 a. 27 ss. 2541 to 2541r, 9126 (19); 1995 a. 77; 1997 a. 292.

4 **SECTION 87.** 48.52 (1) (c) of the statutes is amended to read:

5 48.52 (1) (c) Group homes; and ✓

History: 1971 c. 213 s. 5; 1971 c. 215; 1973 c. 90; 1975 c. 39, 430; 1977 c. 354; 1979 c. 89; 1987 a. 332 s. 64; 1989 a. 31, 107; 1993 a. 385, 446; 1995 a. 27 ss. 2541 to 2541r, 9126 (19); 1995 a. 77; 1997 a. 292.

6 **SECTION 88.** 48.569 (1) (d) of the statutes is amended to read:

7 48.569 (1) (d) From the appropriations under s. 20.437 (1) (b) and (o), the
8 department shall distribute the funding for children and family services, including
9 funding for foster care, ~~treatment foster care~~, or subsidized guardianship care of a
10 child on whose behalf aid is received under s. 48.645 to county departments as
11 provided under s. 48.563. County matching funds are required for the distribution
12 under s. 48.563 (2). Each county's required match for the distribution under s. 48.563
13 (2) shall be specified in a schedule established annually by the department.
14 Matching funds may be from county tax levies, federal and state revenue sharing
15 funds, or private donations to the county that meet the requirements specified in sub.
16 (1m). Private donations may not exceed 25 percent of the total county match. If the
17 county match is less than the amount required to generate the full amount of state
18 and federal funds distributed for this period, the decrease in the amount of state and
19 federal funds equals the difference between the required and the actual amount of
20 county matching funds. ✓

History: 2007 a. 20. ✓

21 **SECTION 89.** 48.57 (1) (c) of the statutes is amended to read:

22 48.57 (1) (c) To provide appropriate protection and services for children and the
23 expectant mothers of unborn children in its care, including providing services for

1 those children and their families and for those expectant mothers in their own
2 homes, placing those children in licensed foster homes, ~~treatment foster homes~~, or
3 group homes in this state or another state within a reasonable proximity to the
4 agency with legal custody, placing those children in the homes of guardians under
5 s. 48.977 (2), or contracting for services for those children by licensed child welfare
6 agencies, except that the county department may not purchase the educational
7 component of private day treatment programs unless the county department, the
8 school board, as defined in s. 115.001 (7), and the state superintendent of public
9 instruction all determine that an appropriate public education program is not
10 available. Disputes between the county department and the school district shall be
11 resolved by the state superintendent of public instruction. ✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

12 **SECTION 90.** 48.57 (1) (hm) of the statutes is amended to read:

13 48.57 (1) (hm) If a county department in a county with a population of less than
14 500,000, to accept guardianship, when appointed by the court, of a child whom the
15 county department has placed in a foster home ~~or treatment foster home~~ under a
16 court order or voluntary agreement under s. 48.63 and to place that child under its
17 guardianship for adoption by the foster parent ~~or treatment foster parent~~. ✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

18 **SECTION 91.** 48.57 (1) (i) of the statutes is amended to read:

19 48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance
20 with s. 48.75. ✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

21 **SECTION 92.** 48.57 (3) (a) 4. of the statutes is amended to read:

1 48.57 (3) (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
2 residential care center for children and youth, or subsidized guardianship home
3 under s. 48.62 (5).✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

4 **SECTION 93.** 48.57 (3m) of the statutes is repealed.

5 **SECTION 94.** 48.57 (3n) of the statutes is repealed.

6 **SECTION 95.** 48.57 (3p) of the statutes is repealed.

7 **SECTION 96.** 48.57 (3t) of the statutes is repealed.

8 **SECTION 97.** 48.60 (2) (e) of the statutes is amended to read:

9 48.60 (2) (e) A licensed foster home ~~or a licensed treatment foster home~~.✓

Insert
39-10
History: 1973 c. 90; 1975 c. 39; 1979 c. 300; 1989 a. 31, 107, 336; 1991 a. 39; 1993 a. 446; 1995 a. 27 ss. 2582, 9126 (19); 1995 a. 77; 1997 a. 27, 164; 1999 a. 9, 83; 2001 a. 59, 69; 2007 a. 20.

10 **SECTION 98.** 48.61 (7) of the statutes is amended to read:

11 48.61 (7) To license foster homes ~~or treatment foster homes~~ in accordance with
12 s. 48.75 if licensed to do so.✓

History: 1977 c. 354 s. 101; 1977 c. 418, 449; 1979 c. 300; 1991 a. 316; 1993 a. 446; 1999 a. 83; 2005 a. 25.

13 **SECTION 99.** 48.615 (1) (b) of the statutes is amended to read:

14 48.615 (1) (b) Before the department may issue a license under s. 48.60 (1) to
15 a child welfare agency that places children in licensed foster homes, ~~licensed~~
16 ~~treatment foster homes~~, and licensed group homes, and in the homes of guardians
17 under s. 48.977 (2), the child welfare agency must pay to the department a biennial
18 fee of \$254.10.✓

Insert
39-23
History: 1991 a. 39; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 59; 2005 a. 25.

19 **SECTION 100.** Subchapter XIV (title) of chapter 48 [precedes ~~48.62~~] of the
20 statutes is amended to read:

21 CHAPTER 48

22 SUBCHAPTER XIV

23 FOSTER HOMES AND ~~TREATMENT FOSTER HOMES~~ ✓

SECTION 101

X
1 **SECTION 101.** 48.62 (title) of the statutes is amended to read:

2 **48.62 (title) Licensing of foster homes and ~~treatment foster homes~~;**
3 **rates.**✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

4 **SECTION 102.** 48.62 (1) (a) of the statutes is renumbered 48.62 (1).✓

X
5 **SECTION 103.** 48.62 (1) (b) of the statutes is repealed.✓

X
6 **SECTION 104.** 48.62 (2) of the statutes is amended to read:

7 48.62 (2) A relative, ~~or~~ ^{or} a guardian of a child who provides care and
8 maintenance for the child is not required to obtain the license specified in this
9 section. The department, county department, or licensed child welfare agency as
10 provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster~~
11 ~~home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests
12 a license to operate a foster home ~~or treatment foster home~~ for a specific child who
13 is either placed by court order or who is the subject of a voluntary placement
14 agreement under s. 48.63. The department, a county department, or a licensed child
15 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978,
16 ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or~~
17 ~~treatment foster home~~ for the guardian's minor ward who is living in the home and
18 who is placed in the home by court order. Relatives with no duty of support and
19 guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who
20 are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the
21 department's licensing rules.✓

NOTE: NOTE: Sub. (2) is shown as affected by 2 acts of the 2005 Wisconsin legislature and as merged by the revisor under s. 13.93 (2) (c). The bracketed commas were inserted by 2005 Wis. Act 387, but rendered surplusage by 2005 Wis. Act 232. Corrective legislation is pending. NOTE:

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

22 **SECTION 105.** 48.62 (3) of the statutes is amended to read:

1 48.62 (3) When the department, a county department, or a child welfare agency
2 issues a license to operate a foster home ~~or a treatment foster home~~, the department,
3 county department, or child welfare agency shall notify the clerk of the school district
4 in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or~~
5 ~~treatment foster home~~ has been licensed in the school district. ✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

6 **SECTION 106.** 48.62 (4) (intro.) of the statutes is created to read:

7 48.62 (4) (intro.) The department shall promulgate rules regulating foster
8 homes. Those rules shall include all of the following: ✓

9 **SECTION 107.** 48.62 (4) of the statutes is renumbered 48.62 (4) (c) and amended
10 to read:

11 48.62 (4) (c) ~~Monthly payments in foster care shall be provided according to the~~
12 ~~age-related rates specified in this subsection. Beginning on January 1, 2008, the~~
13 ~~age-related rates are \$333 for a child under 5 years of age; \$363 for a child 5 to 11~~
14 ~~years of age; \$414 for a child 12 to 14 years of age; and \$432 for a child 15 years of~~
15 ~~age or over. Beginning on January 1, 2009, the age-related rates are \$349 for a child~~
16 ~~under 5 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14~~
17 ~~years of age; and \$452 for a child 15 years of age or over. In addition to these grants~~
18 Rules providing monthly rates of reimbursement for foster care that are
19 commensurate with the level of care that the foster home is licensed to provide and
20 the needs of the child who is placed in the foster home. Those rates shall include rates
21 for basic maintenance, the department shall make and supplemental payments
22 rates for special needs, exceptional circumstances, care in a treatment foster home,

1 and initial clothing allowances according to rules promulgated by the department for
2 children placed in a foster home.✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

3 **SECTION 108.** 48.62 (4) (a) of the statutes is created to read:

4 48.62 (4) (a) Rules providing levels of care that a foster home is licensed to
5 provide. Those levels of care shall be based on the level of knowledge, skill, training,
6 experience, and other qualifications that are required of the licensee, the level of
7 responsibilities that are expected of the licensee, the needs of the children who are
8 placed with the licensee, and any other requirements relating to the ability of the
9 licensee to provide for those needs that the department may promulgate by rule.✓

10 **SECTION 109.** 48.62 (4) (b) of the statutes is created to read:

11 48.62 (4) (b) Rules establishing a standardized assessment tool to assess the
12 needs of a child placed or to be placed outside the home, to determine the level of care
13 that is required to meet those needs, and to place the child in a placement that meets
14 those needs. A foster home that is licensed to provide a given level of care under par.
15 (a) may provide foster care for any child whose needs are assessed to be at or below
16 the level of care that the foster home is licensed to provide.✓

17 **SECTION 110.** 48.62 (4) (d) of the statutes is created to read:

18 48.62 (4) (d) Rules providing a monthly retainer fee for a foster home that
19 agrees to maintain openings for emergency placements.✓

20 **SECTION 111.** 48.62 (5) (a) (intro.) of the statutes is amended to read:

21 48.62 (5) (a) (intro.) Subject to par. (d), a county department or, in a county
22 having a population of 500,000 or more, the department shall provide monthly
23 subsidized guardianship payments in the amount specified in par. (e) to a guardian
24 of a child under s. 48.977 (2) or under a substantially similar tribal law or law of

1 another state who was licensed as the child's foster parent or treatment foster parent
2 before the guardianship appointment and who has entered into a subsidized
3 guardianship agreement with the county department or department if the guardian
4 meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the
5 following conditions: ✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c). ✓

6 **SECTION 112.** 48.62 (5) (c) 2. of the statutes is amended to read:

7 48.62 (5) (c) 2. The A criminal history and child abuse record search is
8 conducted under s. 48.685 and the county department or department conducts a
9 background investigation under s. 48.57 (3p) of the guardian or interim caretaker,
10 the employees and prospective employees of the guardian or interim caretaker who
11 have or would have regular contact with the child for whom the payments would be
12 made, and any other adult resident, as defined in s. 48.57 (3p) (a), of the home of the
13 guardian or interim caretaker and determines that those individuals do not have any
14 arrests or convictions that are likely to adversely affect the child or the ability of the
15 guardian or interim caretaker to care for the child the requirements specified in s.
16 48.685 have been met. ✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c). ✓

17 **SECTION 113.** 48.62 (5) (d) of the statutes is amended to read:

18 48.62 (5) (d) The department shall request from the secretary of the federal
19 department of health and human services a waiver of the requirements under 42
20 USC 670 to 679a that would authorize the state to receive federal foster care and
21 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
22 providing care for a child who is in the care of a guardian who was licensed as the
23 child's foster parent or treatment foster parent before the guardianship appointment

1 and who has entered into a subsidized guardianship agreement with the county
2 department or department. If the waiver is approved for a county having a
3 population of 500,000 or more, the department shall provide the monthly payments
4 under par. (a) from the appropriations under s. 20.437 (1) (cx), (gx), (kw), and (mx).
5 If the waiver is approved for any other county, the department shall determine which
6 counties are authorized to provide monthly payments under par. (a) or (b), and the
7 county departments of those counties shall provide those payments from moneys
8 received under s. 48.569 (1) (d). ✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

9 **SECTION 114.** 48.62 (5) (e) of the statutes is amended to read:

10 48.62 (5) (e) The amount of a monthly payment under par. (a) or (b) for the care
11 of a child shall equal the amount received under sub. (4) (c) by the guardian of the
12 child for the month immediately preceding the month in which the guardianship
13 order was granted. A guardian or an interim caretaker who receives a monthly
14 payment under par. (a) or (b) is not eligible to receive a payment under sub. (4) or s.
15 48.57 (3m) or (3n) (c). ✓ *the rules promulgated under (use twice use twice)*

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

16 **SECTION 115.** 48.62 (6) of the statutes is amended to read:

17 48.62 (6) The department or a county department may recover an overpayment
18 made under sub. (4) ~~or (5)~~ *(c) or made under sub.* from a foster parent, ~~treatment foster parent~~ *those* guardian,
19 or interim caretaker who continues to receive ~~payments under sub. (4) (c) or (5)~~ *those* by
20 reducing the amount of the person's monthly payment. The department may by rule
21 specify other methods for recovering ~~overpayments made under sub. (4) (c) or (5)~~ *those*. A
22 county department that recovers an overpayment under this subsection due to the

- 1 efforts of its officers and employees may retain a portion of the amount recovered, as
2 provided by the department by rule.✓

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

- 3 **SECTION 116.** 48.62 (7) of the statutes is amended to read:

- 4 48.62 (7) In each federal fiscal year, the department shall ensure that there are
5 no more than 2,200 children in foster care and ~~treatment foster care~~ placements for
6 more than 24 months, consistent with the best interests of each child. Services
7 provided in connection with this requirement shall comply with the requirements
8 under P.L. 96-272.✓

Cross Reference: Cross Reference: Cross Reference: See also ch. HFS 2, Wis. adm. code. **Cross Reference:**

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; s. 13.93 (2) (c).

- 10 **SECTION 117.** 48.627 (title) of the statutes is amended to read:

- 11 48.627 (title) **Foster, ~~treatment foster~~ and family-operated group home**
12 **parent insurance and liability.**✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

- 13 **SECTION 118.** 48.627 (2) (a) of the statutes is amended to read:

- 14 48.627 (2) (a) Before the department, a county department, or a licensed child
15 welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~
16 or family-operated group home license, the licensing agency shall require the
17 applicant to furnish proof satisfactory to the licensing agency that he or she has
18 homeowner's or renter's liability insurance that provides coverage for negligent acts
19 or omissions by children placed in a foster home, ~~treatment foster home~~ or
20 family-operated group home that result in bodily injury or property damage to 3rd
21 parties.✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

- 22 **SECTION 119.** 48.627 (2c) of the statutes is amended to read:

1 48.627 (2c) The department shall determine the cost-effectiveness of
2 purchasing private insurance that would provide coverage to foster, ~~treatment foster,~~
3 and family-operated group home parents for acts or omissions by or affecting a child
4 who is placed in a foster home, ~~a treatment foster home,~~ or a family-operated group
5 home. If this private insurance is cost-effective and available, the department shall
6 purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If
7 the insurance is unavailable, payment of claims for acts or omissions by or affecting
8 a child who is placed in a foster home, ~~a treatment foster home,~~ or a family-operated
9 group home shall be in accordance with subs. (2m) to (3). ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

10 **SECTION 120.** 48.627 (2m) of the statutes is amended to read:

11 48.627 (2m) Within the limits of the appropriations under s. 20.437 (1) (cf) and
12 (pd), the department shall pay claims to the extent not covered by any other
13 insurance and subject to the limitations specified in sub. (3), for bodily injury or
14 property damage sustained by a licensed foster, ~~treatment foster,~~ or family-operated
15 group home parent or a member of the foster, ~~treatment foster,~~ or family-operated
16 group home parent's family as a result of the act of a child in the foster, ~~treatment~~
17 ~~foster,~~ or family-operated group home parent's care. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

18 **SECTION 121.** 48.627 (2s) (a) of the statutes is amended to read:

19 48.627 (2s) (a) Acts or omissions of the foster, ~~treatment foster~~ or
20 family-operated group home parent that result in bodily injury to the child who is
21 placed in the foster home, ~~treatment foster home~~ or family-operated group home or

1 that form the basis for a civil action for damages by the foster child's parent against
2 the foster, ~~treatment foster~~ or family-operated group home parent. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

3 **SECTION 122.** 48.627 (2s) (b) of the statutes is amended to read:

4 48.627 (2s) (b) Bodily injury or property damage caused by an act or omission
5 of a child who is placed in the foster, ~~treatment foster~~ or family-operated group home
6 parent's care for which the foster, ~~treatment foster~~ or family-operated group home
7 parent becomes legally liable. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

8 **SECTION 123.** 48.627 (3) (b) of the statutes is amended to read:

9 48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department
10 within 90 days after the bodily injury or property damage occurs. A claim under sub.
11 (2s) shall be submitted within 90 days after a foster, ~~treatment foster~~ or
12 family-operated group home parent learns that a legal action has been commenced
13 against that parent. No claim may be paid under this subsection unless it is
14 submitted within the time limits specified in this paragraph. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

15 **SECTION 124.** 48.627 (3) (d) of the statutes is amended to read:

16 48.627 (3) (d) No claim may be approved in an amount exceeding the total
17 amount available for paying claims under this subsection in the fiscal year during
18 which the claim is submitted. No claim for property damage sustained by a foster,
19 ~~treatment foster~~ or family-operated group home parent or a member of a foster,
20 ~~treatment foster~~ or family-operated group home parent's family may be approved in
21 an amount exceeding \$250,000. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

22 **SECTION 125.** 48.627 (3) (e) of the statutes is amended to read:

1 48.627 (3) (e) The department may not approve a claim unless the foster;
2 ~~treatment foster~~ or family-operated group home parent submits with the claim
3 evidence that is satisfactory to the department of the cause and value of the claim
4 and evidence that insurance coverage is unavailable or inadequate to cover the
5 claim. If insurance is available but inadequate, the department may approve a claim
6 only for the amount of the value of the claim that it determines is in excess of the
7 amount covered by insurance. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

8 **SECTION 126.** 48.627 (3) (f) of the statutes is amended to read:

9 48.627 (3) (f) If the total amount of the claims approved during any calendar
10 quarter exceeds 25% of the total funds available during the fiscal year for purposes
11 of this subsection plus any unencumbered funds remaining from the previous
12 quarter, the department shall prorate the available funds among the claimants with
13 approved claims. The department shall also prorate any unencumbered funds
14 remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year
15 among the claimants whose claims were prorated during the fiscal year. Payment
16 of a prorated amount from unencumbered funds remaining at the end of the fiscal
17 year constitutes a complete payment of the claim for purposes of this program, but
18 does not prohibit a foster parent or ~~treatment foster parent~~ or family-operated group
19 home parent from submitting a claim under s. 16.007 for the unpaid portion. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

20 **SECTION 127.** 48.627 (3) (h) of the statutes is amended to read:

21 48.627 (3) (h) If a claim by a foster, ~~treatment foster~~ or family-operated group
22 home parent or a member of the foster, ~~treatment foster~~ or family-operated group
23 home parent's family is approved, the department shall deduct from the amount

1 approved \$100 less any amount deducted by an insurance company from a payment
2 for the same claim, except that a foster, ~~treatment foster~~ or family-operated group
3 home parent and his or her family are subject to only one deductible for all claims
4 filed in a fiscal year. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

5 **SECTION 128.** 48.627 (4) of the statutes is amended to read:

6 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
7 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~
8 ~~home~~, or family-operated group home, but shall, as provided in this section, pay
9 claims described under sub. (2m) and may pay claims described under sub. (2s) or
10 may purchase insurance to cover such claims as provided for under sub. (2c), within
11 the limits of the appropriations under s. 20.437 (1) (cf) and (pd). ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

12 **SECTION 129.** 48.627 (5) of the statutes is amended to read:

13 48.627 (5) The attorney general may represent a foster, ~~treatment foster~~ or
14 family-operated group home parent in any civil action arising out of an act or
15 omission of the foster, ~~treatment foster~~ or family-operated group home parent while
16 acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group
17 home parent. ✓

History: 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 24, 29, 106, 154, 332, 336; 1987 a. 27, 377; 1989 a. 31; 1993 a. 446; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2007 a. 20.

18 **SECTION 130.** 48.63 (1) of the statutes is amended to read:

19 48.63 (1) Acting under court order or voluntary agreement, the child's parent
20 or guardian or the department, the department of corrections, a county department,
21 or a child welfare agency licensed to place children in foster homes, ~~treatment foster~~
22 ~~homes~~, or group homes may place a child or negotiate or act as intermediary for the
23 placement of a child in a foster home, ~~treatment foster home~~, or group home.